



City of Las Vegas

Agenda Item No.: 29.

AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: JANUARY 22, 2019

DEPARTMENT: PLANNING
DIRECTOR: ROBERT SUMMERFIELD

☐ Consent ☒ Discussion

SUBJECT: VAR-7520 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: MCP 2, LLC - For possible action on a request for a variance to ALLOW EIGHT-FOOT TALL BLOCK WALLS AND CHAIN LINK FENCING WHERE SIX FEET OF CONCERTINA WIRE ON TOP WHERE EIGHT FEET IS THE MAXIMUM HEIGHT ALLOWED on 0.63 acres at 1964 Sycamore Trail (APN 139-19-703-000 EC-2) (General Commercial) Zone, Ward 5 (Crear) [PRJ-74528]. Staff recommends DENIAL.

P.C.: FINAL ACTION Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL, if approved, subject to conditions:

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photo(s)
5. Justification Letter
6. Submitted after Final Agenda - Support Postcard and Support Documentation Not Vetted - Comment Form (1)
7. Submitted at Meeting - Letters by Marilyn Lee and Craig Herrmann

Motion made by BRENDA J. WILLIAMS to Deny

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

CHRISTINA ROUSH, DONNA TOUSSAINT, TRINITY HAVEN SCHLOTTMAN, SAM CHERRY, LOUIS DE SALVIO, VICKI QUINN, BRENDA J. WILLIAMS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR CHERRY declared the Public Hearing open.

ERIC McCAMMOND, Senior Management Analyst, stated the applicant is requesting a Variance to allow an eight-foot tall block wall where six feet is allowed and to use razor wire and

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chainlink wall materials where not allowed unless approved as part of an overall development plan. As no evidence of a unique or extraordinary circumstance was presented, staff concluded that the hardship is preferential in nature. Therefore, staff recommended denial. He noted additional letters of support were received since publication.

ELIZABETH TROSPER, Trospers Communications, appeared representing the land owner, MCP 2, LLC, requesting a Variance to keep the eight-foot block wall with a two-foot razor wire and the chainlink fencing. The property was annexed into the City in 1987, and the commercial building was built in 1988. Through the years, wall crime has increased and the block wall was heightened and the razor wire added. She apologized to the Commission as they did not realize they were not in compliance until Code Enforcement cited them. They accepted full responsibility, and introduced two letters into the public record, which are included in the backup. She noted the property manager and tenant were available to answer questions.

COMMISSIONER WILLIAMS was concerned with the eight-foot wall and the additional two feet of barbed wire on top. STEVE GEBEKE, Planning Supervisor, informed the Commissioner in the C-2 (General Commercial) zoning district, eight feet is the maximum height allowed without a Variance which is why this item is before the Commission for consideration.

COMMISSIONER WILLIAMS stated she could not support placing razor wire on top of an eight foot fence. MS. TROSPER indicated the surrounding neighborhood is a high crime area, and the land owner expressed to her that this is more of a safety issue and about preventing crime. She reiterated one of the tenants was present that could speak to the crime on a more personal level.

COMMISSIONER QUINN commented there is also razor wire on the property around the corner, and that property owner will also be fined if it is not removed. The issue is that if the Commission were to allow this applicant to have razor wire, it would then need to allow the other individual to do it as well; thereby setting a precedent. Because of this, she indicated she could not support this request. MS. TROSPER understood.

COMMISSIONER DE SALVIO asked about the possibility of placing the razor wire inside the property line below the first course of the wall, so the property owner would still have protection but would not have a prison-like look. MR. GEBEKE explained the zoning code allows a wall height of no more than eight feet in C-2 zoning; however, he was not sure if other safety issues would come into play.

MR. GEBEKE confirmed for COMMISSIONER WILLIAMS it would be acceptable if the razor wire did not extend above eight feet. Noting the possibility of someone getting injured if they cannot see the razor wire, the Commissioner could not support this.

ASSISTANT CITY ATTORNEY BRYAN SCOTT commented the applicant would need the City's permission to place razor wire on the interior. ROBERT SUMMERFIELD, Planning Director, clarified Planning Department staff can only speak to the zoning code, and the height

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would not be an issue from a zoning perspective only. However, this body would still have to approve the use of razor wire in any kind of fencing as it is not an approved material. Staff could not address other codes or concerns with regard to putting razor wire on the inside of a wall.

Subsequent to a motion for denial, MS. TROSPER stated the height, chainlink and razor wire are three separate issues and asked if the motion to deny was specific to just the razor wire. MR. SCOTT noted the request is for one variance for all of those elements. MR. SUMMERFIELD further explained this appears as one variance because the request applies to one section of code. However, as a way to be responsive to its citizens, staff does not make the applicant separate their requests and pay three separate application fees. This body does, however, have the authority to approve the height, the use of razor wire and use of materials separately if it wished. If that were to be done, three separate votes would be needed to make the record clear.

CHAIR CHERRY called upon COMMISSIONER WILLIAMS who made the motion for denial.

CHAIR CHERRY declared the Public Hearing closed.